

HOUSE No. 1411

By Mrs. Paulsen of Belmont, petition of Anne M. Paulsen and others for legislation to establish a bicyclist's bill of rights and responsibilities and to provide certain training for public safety officers of the Commonwealth. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

PETITION OF:

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In the Year Two Thousand and Five.

AN ACT ESTABLISHING THE BICYCLISTS' BILL OF RIGHTS AND RESPONSIBILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 6 of the General Laws is hereby amended
2 by inserting after section 116C the following new section:—

3 Section 116D. Bicyclist safety enforcement; basic training
4 course; enforcement guidelines.

5 (a) The Massachusetts Criminal Justice Training Council shall
6 develop and establish within the recruit basic training curriculum
7 a course for regional and municipal police training schools on or
8 before January first, two thousand and six for the training of law
9 enforcement officers in the commonwealth in bicycle safety
10 enforcement and also shall develop guidelines for traffic enforce-
11 ment for bicyclist safety. As used in this section, “law enforce-
12 ment officer” shall mean any officer of a municipal police
13 department, the department of the state police or the Massachu-
14 setts Bay Transportation Authority police department.

15 (b) The course of basic training for law enforcement officers
16 shall, no later than January first, two thousand and four, include,
17 but not be limited to, at least two hours of instruction in the proce-
18 dures and techniques described below:

19 (1) The rights and duties of bicyclists set forth in Chapter 89 of
20 the General Laws.

21 (2) Patterns and sources of injuries to bicyclists, both those
22 involving and not involving motor vehicles, and the percentage of
23 crashes involving cyclists riding against traffic, riding at night,
24 and riding on sidewalks.

25 (3) The legal duties imposed on police officers to equitably
26 enforce the rules of the road.

27 (4) The most dangerous actions by bicyclists, and methods for
28 citing bicyclists, including minors.

29 (5) Common motorist actions causing bicycle crashes.

30 (6) Treatment of harassment of bicyclists.

31 (7) Reporting bicyclist crashes.

32 (8) The impact of law enforcement intervention on bicyclist
33 safety and comfort.

34 (c) All law enforcement recruits shall receive the course of
35 basic training for law enforcement officers, established in subsec-
36 tions (a) and (b), as part of their required certification process.

37 (d) The course of basic training for law enforcement officers
38 shall be taught as part of the highway safety component of the
39 recruit academy training, so that there will not be an increase in
40 the currently required hours of recruit training curriculum.

41 (e) The course of instruction, the learning and performance
42 objectives, the standards for training, and the guidelines shall be
43 developed by the Massachusetts Criminal Justice Training Council
44 in consultation with the Massachusetts Bicycle Advisory Board
45 and appropriate groups and individuals having an interest and
46 expertise in bicycle safety.

47 (f) The Massachusetts Criminal Justice Training Council shall
48 also include this course of instruction within its in-service training
49 curriculum available to in-service trainees and any other public
50 safety officers. All officers shall complete this training within
51 three years of the passage of this act.

1 SECTION 2. Chapter 85 of the General Laws as appearing in
2 the 1998 Official Edition is hereby amended by inserting after
3 section 116C the following section:—

4 Section 2F. The department of highways, the metropolitan dis-
5 trict commission, and cities and towns may not post signs pro-
6 hibiting bicyclists from ways where motor vehicles are permitted,
7 except as provided in section 2B, and should post signs reminding
8 motorists of the duty to share the road with bicyclists, particularly
9 in places where the right-most lane is too narrow for a bicycle and
10 motor vehicle to safely share side-by-side.

1 SECTION 3. Sections 11A, 11B, 11C, and 11D of said
2 chapter 85 are hereby repealed.

1 SECTION 4. Chapter 89 of the General Laws is hereby
2 amended by striking out section 2, as appearing in the 1998 Offi-
3 cial Edition, and inserting in place thereof the following
4 section:—

5 Section 2. (a) The driver of a vehicle passing another vehicle
6 traveling in the same direction shall drive a safe distance to the
7 left of such other vehicle and shall not return to the right until
8 safely clear of the overtaken vehicle. If it is not possible to over-
9 take a bicycle or other vehicle at a safe distance in the same lane,
10 the overtaking vehicle shall use all or part of an adjacent lane if it
11 is safe to do so, or wait for a more favorable opportunity to over-
12 take.

13 (b) Except when overtaking and passing on the right is per-
14 mitted, if the way is of sufficient width for the two vehicles to
15 pass, the driver of the leading vehicle shall not unnecessarily
16 obstruct the following vehicle but shall give way to the right on
17 visible signal and shall not increase the speed of the vehicle until
18 completely passed by the overtaking vehicle.

19 (c) No person operating a vehicle that overtakes and passes a
20 bicyclist proceeding in the same direction shall make a right turn
21 at an intersection or driveway unless the turn is made according to
22 the manner described in chapter 90 section 14 and can be made
23 with reasonable safety.

24 (d) The driver of a vehicle may overtake and pass upon the
25 right of another vehicle only under either of the following condi-
26 tions:

27 (i) When the vehicle overtaken is making or about to make a
28 left turn;

29 (ii) Upon a roadway with unobstructed pavement of sufficient
30 width for 2 or more lines of vehicles moving lawfully in the direc-
31 tion being traveled by the overtaking vehicle.

1 SECTION 5. Said chapter 89 is hereby further amended by
2 adding the following two sections:—

3 Section 12. (a) The following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Bicycle,” a wheeled vehicle propelled by pedals and operated
6 by one or more persons.

7 “Bicyclist,” a person operating a bicycle.

8 “Roadway,” the portion of a way between regularly estab-
9 lished curb lines or that part, exclusive of shoulders, improved
10 and intended to be used for travel by vehicular traffic.

11 “Shoulder,” the portion of a way not intended to be used for
12 vehicular travel, except by bicycles.

13 “Bicycle path,” a way designed and constructed specifically for
14 bicycle use that generally excludes motor vehicles.

15 (b) A bicyclist shall have all of the rights and duties applicable
16 to the driver of any other vehicle under this chapter and under all
17 other laws and regulations of the Commonwealth governing the
18 movement of vehicles, except in respect to those provisions in this
19 chapter relating expressly to bicycles. These rights shall include

20 the right to operate on the roadway or shoulder of any way, as
21 defined in section one of chapter ninety, except express divided
22 state highways with full or partial control of access where signs
23 specifically prohibiting bicycles have been posted. Laws and reg-
24 ulations applicable to bicyclists also apply when a bicycle is oper-
25 ated on a bicycle path.

26 (c) In addition to obeying the rules and regulations for drivers
27 of vehicles, bicyclists shall obey the following rules:

28 (1) Signals to indicate an intention to turn or stop may be made
29 with either hand, need not be made continuously, and shall not be
30 made when both hands are needed for the safe operation of the
31 bicycle.

32 (2) A bicyclist may ride on sidewalks outside of business dis-
33 tricts unless otherwise directed by local ordinance. When riding
34 on a sidewalk, bicyclists shall yield the right of way to pedes-
35 trians, shall give an audible signal before overtaking and passing a
36 pedestrian, and shall have all the rights and duties applicable to a
37 pedestrian under the same circumstances.

38 (3) Bicyclists shall not ride more than 2 abreast and, on a laned
39 roadway, shall ride within a single lane. Nothing in this subsection
40 shall relieve a bicyclist of the duty to facilitate overtaking as
41 required by section 2 of this chapter.

42 (4) A bicyclist shall ride only upon or astride a permanent and
43 regular seat attached to the bicycle. A passenger shall ride only
44 upon or astride a permanent and regular seat attached to the
45 bicycle or to a trailer towed by the bicycle.

46 (5) A bicyclist shall park a bicycle upon a way or sidewalk in
47 such a manner as not to obstruct vehicular or pedestrian traffic.

48 (6) A bicyclist shall report an accident involving either personal
49 injury or property damage, or a combination thereof, in excess of
50 one hundred dollars, to the police department in the city or town
51 in which the accident occurred.

52 (d) Each bicycle shall be equipped with a braking system to
53 enable the operator to bring the bicycle traveling at a speed of 15
54 miles per hour, or 10 miles per hour if the bicycle has only a
55 single pedal-operated rear-wheel brake, to a safe stop within 15
56 feet on a dry, clean, hard, level surface.

57 (e) During the period from one-half hour after sunset to one-
58 half hour before sunrise, a bicyclist shall:

59 (i) display to the front of the bicycle a lamp emitting a white
60 light visible from a distance of at least 500 feet,

61 (ii) display to the rear a lamp emitting a red light, a red light-
62 emitting diode, or a red or amber retro-reflector visible for at least
63 1000 feet from the rear when directly in front of the lawful lower
64 beams of headlamps of a motor vehicle, and

65 (iii) display on each pedal or shoe a retro-reflector, or on each
66 leg retro-reflective material, visible from the rear for a distance of
67 at least 600 feet when directly in front of the lawful lower beams
68 of headlamps of a motor vehicle.

69 A generator powered lamp which emits light only when the
70 bicycle is moving shall meet the requirements of this clause.

71 (f) No bicyclist shall transport a child on a bicycle except in a
72 device designed to fit a person of the child's age and size. No
73 bicyclist shall transport a child between the ages of 1 to 4 years
74 old, inclusive, or weighing 40 pounds or less, on a bicycle, except
75 in specially designed seat attached to the bicycle, in which the
76 child shall be able to sit upright; provided, however, that such seat
77 is equipped with a harness to hold the child securely in the seat
78 and that protection is provided against the child's feet or hands
79 hitting the spokes of the bicycle; or upon or astride a seat of a
80 tandem bicycle equipped so that the other person can comfortably
81 reach the handlebars and pedals. A violation of this subsection
82 shall not be used as evidence of contributory negligence in any
83 civil action.

84 (g) Any person sixteen years of age or younger operating a
85 bicycle or being carried as a passenger on a bicycle shall wear a
86 helmet. The helmet shall fit the person's head, shall be secured to
87 the person's head by straps while the bicycle is being operated,
88 and shall meet the standards for helmets specified by the depart-
89 ment of public health. These requirements shall not apply to a pas-
90 senger if the passenger is in an enclosed trailer or other device
91 that adequately holds the passenger in place and protects the pas-
92 senger's head from impact in an accident. A violation of this sub-
93 section shall not be used as evidence of contributory negligence in
94 any civil action.

95 (h) Competitive bicycle races may be held on public ways if
96 they are sponsored by or in cooperation with recognized bicycle
97 organizations and the sponsoring organization has obtained the

98 approval of the appropriate police department or departments.
99 Special regulations regarding the movement of bicycles during
100 such races, or in training for races, including, but not limited to,
101 permission to ride more than two abreast, may be established by
102 agreement between the police department and the sponsoring
103 organization.

104 (i) A person, firm or corporation engaged in the business of
105 renting bicycles shall offer a bicycle helmet conforming to the
106 specifications for bicycle helmets of the U.S. Consumer Products
107 Safety Commission to any person who will operate the bicycle.
108 For a bicyclist 16 years of age or younger, the helmet rental shall
109 be included as part of the overall fee. For a bicyclist over 16 years
110 of age, an additional fee may be charged for the helmet rental.

111 (j) A person, firm or corporation engaged in the retail business
112 of selling or renting bicycles shall display in an area conspicuous
113 to customers of such business a sign containing the following
114 statement: "State law requires bicyclists to ride in the direction of
115 traffic, obey traffic signals, use lights at night, and follow all other
116 rules of the road. Bicyclists sixteen or younger must use a helmet
117 and helmets are strongly recommended for all others." By posting
118 such a sign, such retail business shall be deemed to be in full com-
119 pliance with this act, and no liability shall be incurred in the event
120 that said helmet is not worn.

121 (k) (1) A police officer taking cognizance of any traffic law
122 violation committed by a bicyclist may request the offender to
123 state his true name and address. Whoever, upon such request,
124 refuses to state his name and address, or states a false name and
125 address or a name and address which is not his name and address
126 in ordinary use, shall be punished by a fine of not less than twenty
127 nor more than fifty dollars. Any such offender so refusing to state
128 his true name and address may be arrested without a warrant, but
129 no person shall be arrested without a warrant for any other such
130 violation. The officer shall use the ticketing procedure described
131 in chapter 90C, except that any violation committed while oper-
132 ating a bicycle shall not affect the status of the bicyclist's license
133 to operate a motor vehicle nor shall it affect the bicyclist's status
134 in the Safe Driver Insurance Plan. When a citation is issued to a
135 bicyclist, the fact that the violator is a bicyclist shall be clearly
136 indicated on the ticket.

137 (2) A violation of this section shall be punished by a fine of not
138 more than 50 dollars.

139 (3) The parent or guardian of any person under 18 years of age
140 shall not authorize or knowingly permit any such person to violate
141 any of the provisions of this section.

142 (4) A violation of any provision of this section by a person
143 under 18 years of age shall not affect any civil right or liability
144 nor shall such a violation be considered a criminal offense.

145 (5) All fines collected pursuant to this section shall be used by
146 the jurisdiction collecting the fine for bicycle programs.

147 Section 13. No person shall open any door on a motor vehicle
148 unless and until it is reasonably safe to do so and can be done
149 without interfering with the movement of other traffic, nor shall
150 any person leave a door open on a side of a vehicle available to
151 moving traffic for a period of time longer than necessary to load
152 or unload passengers. Whoever violates any provision of this
153 section shall be punished by a fine of not more than 100 dollars.

1 SECTION 6. The course on bicycle safety enforcement to be
2 developed by the Massachusetts Criminal Justice Training Council
3 pursuant to Section 116D of Chapter 6 of the General Laws shall
4 be established not later than January 1, 2006. All law enforcement
5 officers as defined in said Section 116D of said Chapter 6 shall
6 complete the course within three years after the effective date of
7 this act.